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PART II - MISCELLANEOUS NOTIFICATIONSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

COMMANDANT, HQRS, APSPF, TIRUPATI

DISCIPLINARY CASE AGAINST Sri V. HIMAGIRI BABU, HC-915 OF APSPF, TTD, TIRUPATI- FINAL ORDERS

- Ref:- 1. P.E. report: C.No. 13/AC/SPF/TPT/HC-915/PE/D.No.958/2016, Dated: 27.10.2016 of the AC, APSPF, TTD Tirupati.
2. AWL report: C.No. 11/AC/SPF/TPT/AWL/D.No.962/2016, Dated: 28.10.2016 of the AC, APSPF, TTD Tirupati.
3. AOC: Rc.No.24/A3/Comdt.Hqrs / APSPF/TPT/2016, Dated: 08.11.2016 of the Commandant, Hqrs., APSPF, Tirupati.
4. C.No.07/AC/SPF/TPT/MOC/Serve/D.No. 1105, Dated: 26.12.2016 of the AC, APSPF, TTD Tirupati.
5. Rc.No. 24/A3/Comdt.Hqrs/APSPF/TPT/2016-17, Dated: 06.01.2017 of the Commandant, Hqrs., APSPF, Tirupati.
6. The Andhra Pradesh Gazette Notification, Dated: 12.01.2017.
7. Appointing of E.O: Rc.No. 24/A3/Comdt.Hqrs/APSPF/TPT/ 2016-17 O.O.No.263/ 2017, Dated: 16.02.2017 of the Commandant, Hqrs., APSPF, Tirupati.
8. Refusal of O.E: C.No.10/AC/SPF/TTD-TML/OE/HC-915/ 2017/D.No. 164, Dated: 03.03.2017 of the AC, TTD Tirumala.
9. O.E. report Rc.No. 13/AC/SPF/TTD-TML/OE-915/2017, D.No. 188, Dated: 14.03.2017 of the AC, APSPF, TTD Tirumala.
10. SCN: Rc.No. 24/A3/Comdt.Hqrs/APSPF/TPT/2016-17, Dated: 16.03.2017 of the Commandant, APSPF, TTD Tirupati.

11. Refusal of SCN:C.No. 13/AC/SPF/TPT/SCN/Serve/D.No.366, Dated: 28.03.2017 of the AC, APSPF, TTD Tirupati.
12. Rc.No. 24/A3/Comdt.Hqrs/APSPF/TPT/2016-17, Dated: 30.03.2017 of the Commandant, APSPF, Tirupati.
13. The Andhra Pradesh Gazette Notification, Dated: 06.04.2017.

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Rc. No. 24/A3/Comdt. Hqrs/APSPF/TPT/2016-17, O.O.No. 1550/2017,- In the reference first cited, it was reported by the Asst. Commandant, SPF, TTD Tirupati that, Sri V. Himagiri Babu, HC-915 of AP SPF, TTD Tirupati attended for 'B' shift duty at Alipiri Check Point on 26.10.2016 by half an hour late i.e at 13:30 Hrs that too in drunken state. On suspecting that he had consumed alcohol, the Sub-Inspector Sri B. Rajesh checked with breath analyzer test and found the Alcohol contents i.e BAC-538 MG/100 ML vide TNST SL No. A201705, Test No. 567. Later, he was escaped from the hands of ASI-839 Sri N. V. Ramana and fled away on his motor bike when he was asked to accompany for Medical examination.

Vide reference second cited, the Asst. Commandant, APSPF, Tirupati has submitted absence report against Sri V. Himagiri Babu, HC-915 stating that, the said Head Constable became unauthorized absent for duties w.e.f. 26.10.2016.

Vide reference third cited, the following five Articles of Charge were framed against Sri V. Himagiri Babu, HC-915 of APSPF TTD Tirupati and explanation called for:-

ARTICLE-I : That Sri V. Himagiri Babu, HC-915 of AP SPF, Unit Tirupati attended for 'B' shift duty at Alipiri Check Point by half an hour late i.e at 13:30 Hrs on 26.10.2016.

ARTICLE-II : That Sri V. Himagiri Babu, HC-915 of APSPF Unit Tirupati attended for duty in intoxicated condition and breath analyzer test report found alcohol contents i.e BAC-538 MG/100 ML vide TNST SL No.A201705, Test No. 567.

ARTICLE-III : That Sri V. Himagiri Babu, HC-915 of AP SPF, Unit Tirupati has managed to escape from the hands of ASI-839 and fled away on his motor bike when he was asked to accompany for Medical examination.

ARTICLE-IV : That the said HC-915, V. Himagiri Babu, has been absenting for duties from 26.10.2016 unauthorisedly.

ARTICLE-V : That said HC-915 Sri V. Himagiri Babu of AP SPF, Unit Tirupati has already received the following punishments for various delinquencies:-

Major P.Rs:

- 1) Awarded with PPI for one year with effect on his future increments and pension vide A3/PR/42/SPF/2005, O.O.No.404/2006, Dated: 13.03.2006 for abusing AVSO and other Security Personnel.
- 2) Awarded with PPI for two years with effect on his future increments and pension Vide A3/PR/33/SPF/2006, O.O.No. 139/2007, Dated: 04.05.2007 for attending the duties in drunken state and quarreled with CT-2446. And also he threatened the Inspector, SPF N.S.Dam not to give any report against him.

- 3) Awarded with a punishment of withholding of increment of pay for a period of one year with cumulative effect Vide Rc.No.TSSPF/A3/PR/86/2011-15, O.O.No.A-381/2015, Dated: 10.09.2015 for attending the parade in intoxicated condition and fled away and absented from SPF Academy to avoid medical examination on 08.11.2011 and behaved arrogantly with the escort party.
- 4) Awarded with a punishment of withholding of increment of pay for a period of one year with cumulative effect Vide Rc.No.TSSPF/A3/PR/45/2015-16, O.O.No.A-335/2016, Dated: 05.10.2016 for unauthorized absence from casual leave for a period of (102) days w.e.f. 28.06.2015 to 09.10.2015 FN.

Minor P.Rs:

- 1) Awarded with CENSURE for absented from 18.02.2001 AN to 22.02.2001 FN Vide P.R.No. 114/SPF/2001, O.O.No.890/2001, dated: 19.09.2001.
- 2) Awarded with CENSURE for absented from 06.03.2001 AN to 16.03.2001 FN Vide P.R.No. 115/SPF/2001, O.O.No.890/2001, dated: 19.09.2001.
- 3) Awarded with a punishment of withholding of one increment of pay without cumulative effect for OSL from CL w.e.f. 07.05.2001 to 09.05.2001 Vide P.R.No. 116/SPF/2001, O.O.No.888/2001, dated: 19.09.2001.
- 4) Awarded with PPI for one year without effect on his future increments and pension Vide P.R.No.58/SPF/2003, O.O. No.493/2003, dated: 07.05.2003.
- 5) Awarded with PPI for one year without effect Vide A3/P.R.No.81/SPF/2003, O.O.No.1441/2003, dated: 24.10.2003.
- 6) Awarded with PPI for a period of one year without effect on his future increments and pension Vide A3/187/SPF/2003, O.O.No.55/2003, dated : 09-01-2004.
- 7) Awarded with CENSURE for irregular medical leave extension Vide A3/PR/81/SPF/2005, O.O.No. 1470/2005, dated 06-10-2005.

Vide reference fourth cited, the Asst. Commandant, APSPF, Tirupati has submitted a report stating that, the Memorandum of Charge was sent to the residential address of Sri V. Himagiri Babu, HC-915 through registered post but the same was returned with postal remarks as "Refused, Returned to sender". Later, the Asst. Commandant, APSPF, Tirupati has deputed the Sub- Inspector Sri T.K. Achary to serve the Memorandum of Charge on the said Head Constable. But, he failed to serve the Memorandum of Charge as the Charged officer Sri V. Himagiri Babu, HC-915 was not available at his residential address.

Vide reference fifth cited, the Commissioner, Printing Stationary & Stores Purchase, Vijayawada was requested to publish the Memorandum of Charge in the Andhra Pradesh Gazette. Accordingly, the Memorandum of Charge was published in the Andhra Pradesh Gazette vide reference sixth cited.

Vide reference seventh cited, Sri M.L. Manohar, Assistant Commandant, APSPF, TTD Tirumala was appointed as Enquiry Officer to inquire into the Charges framed against the Charged Officer Sri V. Himagiri Babu, HC-915.

Vide reference eighth cited, the Enquiry Officer Sri M.L. Manohar has deputed the Sub-Inspector Sri T.K. Achary to serve the Copy of O.E. intimation at his residential address, but the Charged Officer refused to acknowledge the same.

Vide reference ninth cited, the Inquiring Authority has conducted the O.E. against the Charged Officer Sri V. Himagiri Babu, HC-915 as ex-parte under Rule 20(6) of the A.P. Civil Services (CC&A) Rules, 1991 and submitted the enquiry report duly "proving" the Articles of Charge framed against the Charged Officer Sri V. Himigiri Babu, HC-915.

Vide reference tenth cited, a Show Cause Notice along with a copy of the enquiry report was sent to the Charged Officer inviting further explanation if any, on the enquiry report. However, the Charged Officer has refused the Show Cause Notice vide reference eleventh cited.

Vide reference twelfth cited, the Commissioner, Printing Stationary & Stores Purchase, Vijayawada was requested to publish the Show Cause Notice in the Andhra Pradesh Gazette. Accordingly, the Show Cause Notice was published in the Andhra Pradesh Gazette vide reference thirteenth cited.

Having gone through the entire PR file, it is established that the Charged Officer turned up for duties having consumed alcohol which is in gross violation of the Conduct Rules. The Enquiry Officer has conducted the Oral Enquiry as per the procedure laid down in CCA Rules 1991.

Andhra Pradesh Special Protection Force is an armed force and its main functions are to protect vital installations such as High Court, Secretariat, RBI, major currency chests, major temples with Arms and Ammunition. The Charged Officer attended duties that too in TTD Temple premises in drunken state which amounts to gross misconduct and this cannot be tolerated under any circumstances, as any drunken force member is not authorized to discharge duties with weapons. Moreover, the Charged Officer has intentionally not cooperated with the Oral Enquiry by refusing the orders and therefore Orders were published in the Andhra Pradesh Gazette from time to time.

Therefore, I completely agree with the findings and opinion of the Enquiry Officer who proved the Articles of Charge.

The Charged Officer has already received (07) minor penalties and (04) major penalties in his past service for various delinquencies such as abusing higher officers, unauthorized absence for duties, adopting irregular medical leave extension, attending duties in intoxicated condition besides threatening the superior Officers etc., which clearly establish that he did not change his attitude. His past delinquencies are as follows:-

- I. He abused AVSO and other security personnel for not allowing two persons who were in drunken state to Tirumala in a private vehicle.
- II. He attended for duties in drunken state and quarreled with CT- 2446. Besides this, he also threatened the Inspector SPF N.S.Dam not to give any report against him.
- III. He was supposed to undergo two weeks refresher course at SPF Academy, Ameenpur from 31.10.2011 to 12.11.2011. During the training, he has attended the parade in intoxicated condition on 08.11.2011 and ran away and became absent from SPF Academy from 15:15 Hrs to avoid medical examination and also behaved arrogantly with the Escort Party.
- IV. He was pass-ported to avail (03) days casual leave w. e. f. 25.06.2015 AN to 28.06.2015 AN. Instead of reporting back for duties on 28.06.2015 AN, he became over stayed leave from casual leave for a period of (102) days w.e.f. 28.06.2015 to 09.10.2015 FN.

In this case also, he came to attend Armed guard duties in drunken condition.

It is clearly established that excess consumption of alcohol and misbehavior has become a way of life to the Charged Officer.

Repeated warnings, punishments didn't change the behavior of the Charged Officer. He continues to bring disrepute to this disciplined Armed Force charged with an important responsibility.

Hence, he deserves to be punished appropriately and no leniency is required to be shown against the Charged Officer.

Further as mentioned in the Article of Charge-IV, the Charged Officer has been absenting for the duties w.e.f. 26.10.2016 to till date and thus exceeded more than one year's absence.

The Government vide G.O. Ms. No 260, Genl. Admn. (Ser. C) Dept., dated: 04.09.2003 directed that **"in all cases of unauthorised absence to duty for a continuous period exceeding 'one year', the penalty of removal from service shall be imposed on the Government employee, after duly following the procedure laid in the Andhra Pradesh Civil Services (CC&A) Rules, 1991"**.

Therefore, I am constrained to award the Charged Officer Sri V. Himagiri Babu, HC-915 of APSPF, TTD, Tirupati with a penalty of **"Removal from Service"** with immediate effect under Rule-9 (ix) of APCS (CC&A) Rules, 1991.

The entire unauthorized absence period of (384) days w.e.f. 26.10.2016 to 13.11.2017 (Date of issue of this orders) is treated as **"Not on Duty"**.

Acknowledge the receipt of the proceedings.

B.V. RAMI REDDY,
Commandant (Hqrs.),
AP Special Protection Force,
Tirupati.

To
Sri V. Himagiri Babu, HC-915 of APSPF, TTD Tirupati.
through the Asst. Commandant, APSPF, TTD Tirupati - He will serve the orders on the above individual and return the dated acknowledgement copy to this office immediately.

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